

DNJ-R11-003 (8/10)  
Bilingual Rule 11 (8/10)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TRIBUNAL FEDERAL DE PRIMERA INSTANCIA  
DISTRITO DE NUEVA JERSEY

UNITED STATES OF AMERICA

El Ministerio Público de los  
Estados Unidos de América

v.

-contra-

*Josue Pichardo a/k/a*  
*Josue Pichardo a/k/a*  
*Fito Abreu a/k/a*  
*Rodolfo Abreu*

Mag./Crim. No. CR #21-289 (RMB)  
Causa Penal No.

APPLICATION FOR PERMISSION  
TO ENTER PLEA OF GUILTY

SOLICITUD DE PERMISO PARA ANOTAR  
UNA DECLARACIÓN DE CULPABILIDAD

(Defendant with Counsel)  
(Acusado(a) con Abogado(a))

*Josue Pichardo*

, hereby certifies as follows:

(Defendant's Name)

(Nombre del acusado

o acusada)

, por este medio certifica lo siguiente:

1. My full name is *Josue Pichardo*  
Me llamo: [Nombre(s) y apellido(s)]

and I request that all proceedings against me be held in that name.  
y solicito que todo el proceso en contra mía se adjudique con ese nombre.

2. I understand that the Constitution and laws of the United States guarantee me the right to be represented by a lawyer at every stage in these proceedings, including any trial on these charges, and that if I cannot afford to hire a lawyer, the Court will provide one for me.

Entiendo que la Constitución y las leyes de los Estados Unidos me garantizan el derecho a ser representado por un abogado en cada etapa de este proceso, incluyendo cualquier juicio oral por estos cargos, y que si no tengo los recursos para contratar un abogado, el Tribunal me lo proporcionará.

3. I have a lawyer who is representing me in this proceeding.  
Tengo un(a) abogado(a) que me representa en este proceso.

My lawyer's name is:

El nombre de mi abogado(a) es

*Gregory Pagano*

WAIVER OF INDICTMENT (IF APPLICABLE)

RENUNCIA AL DERECHO A UNA ACUSACIÓN DEL GRAN JURADO (SI CORRESPONDE)

8. My lawyer has explained to me that I have a constitutional right to be charged by an indictment of a grand jury but that I can waive that right and consent to being charged through a criminal Information filed by the United States Attorney.

Mi abogado me ha explicado que tengo el derecho constitucional de ser acusado mediante una acusación de un gran jurado (jurado indagatorio), pero que puedo renunciar a ese derecho y dar mi consentimiento para ser acusado mediante una acusación de la fiscalía, presentada por el fiscal federal del distrito.

9. I understand that unless I waive indictment I may not be charged with a felony unless a grand jury finds by return of an indictment that there is probable cause to believe that a crime has been committed and that I committed it.

Entiendo que a menos que yo renuncie a mi derecho a la acusación del gran jurado, no podría ser acusado de un delito grave sin que un gran jurado determinara mediante la formulación de una acusación que hay un motivo fundado para creer que se ha cometido un acto delictivo y que yo lo cometí.

10. I also understand that if I do not waive indictment, the government may present the case to the grand jury and request the grand jury to indict me.

También entiendo que si no renuncio a mi derecho a una acusación del gran jurado, el gobierno puede presentarle los indicios de mi criminalidad al gran jurado y solicitar que presente una acusación formal contra mí.

11. I understand that a grand jury is composed of at least 16 and not more than 23 persons, that at least 12 grand jurors must find that there is probable cause to believe that I committed the crime. I also understand that the grand jury may or may not indict me.

Entiendo que el gran jurado está compuesto por un grupo de entre 16 y 23 personas y que por lo menos 12 de los integrantes del gran jurado tienen que determinar que hay un motivo fundado para creer que yo perpetré el acto delictivo. También entiendo que el gran jurado podría acusarme o podría no hacerlo.

12. I further understand that by waiving indictment by the grand jury, the case will proceed against me on the United States Attorney's Information as though I had been indicted.

Entiendo, además, que, al renunciar a mi derecho a la acusación del gran jurado, el proceso continuará contra mí basado en la acusación del fiscal federal del distrito tal como si yo hubiera sido acusado por el gran jurado.

13. My attorney has discussed the nature of the charges(s) against me and waiving my right to indictment thereon by grand jury, I fully understand those rights, and I wish to waive indictment by grand jury.

que soy inocente, y que no podría ser culpado a menos que todos los doce integrantes del jurado votaran unánimemente para culparme.

19. My lawyer has explained to me, and I understand, that if I went to trial on these charge(s), the Government would have to produce in open court the witnesses against me, and that my lawyer could confront and cross-examine them and object to evidence offered by the Government.

Mi abogado me ha explicado, y yo entiendo, que si fuera a juicio por estos cargos, el ministerio público tendría que presentar en sesión pública a los testigos que declararían contra mí, y que mi abogado podría hacerles el careo y el contra interrogatorio y oponerse a que se aceptaran las pruebas ofrecidas por el gobierno.

20. My lawyer has further explained to me, and I understand, that I have the right to produce witnesses and could offer evidence in my defense at a trial on these charge(s), and that I would have the right, if I so chose, to testify on my own behalf at that trial; but if I chose not to testify, the jury could draw no suggestion or inference of guilt from that fact.

Mi abogado también me ha explicado, y yo entiendo, que tengo derecho a presentar a testigos y que podría ofrecer medios de prueba para mi defensa en el juicio oral por estos cargo, y que yo tendría derecho, si eligiera hacerlo así, a testificar en mi propia defensa en ese juicio; pero si yo optara por no testificar, el jurado no podría sacar ninguna sugerencia ni inferencia de culpabilidad por el hecho de que yo no declare en el juicio.

21. My lawyer has explained to me, and I understand, that if I plead GUILTY to any charge(s) in this COMPLAINT [INDICTMENT] [INFORMATION] and the judge accepts my plea, I WAIVE MY RIGHT TO TRIAL AND THE OTHER RIGHTS SET FORTH IN PARAGRAPHS 17, 18, 19 and 20 ABOVE. I am aware and understand that if my GUILTY plea is accepted, there will be no trial and a judgment of GUILTY will be entered after which, the judge, upon consideration of my pre-sentence report, will impose punishment upon me. I understand that if I plead GUILTY, the judge may impose the same punishment as if I had pleaded "not guilty", went to trial and was convicted by a jury

Mi abogado me ha explicado, y yo entiendo, que si me declaro CULPABLE de cualquier cargo de [la DENUNCIA PENAL] [la ACUSACIÓN DEL GRAN JURADO] [la ACUSACIÓN DE LA FISCALIA], y el juez acepta mi declaración de culpabilidad, RENUNCIO A MI DERECHO A UN JUICIO Y A LOS OTROS DERECHOS EXPRESADOS EN LOS PÁRRAFOS 17, 18, 19, y 20 QUE ANTECEDEN. Me doy cuenta y entiendo que si se acepta mi declaración judicial de CULPABILIDAD, no habrá juicio, y se asentará un fallo de CULPABILIDAD, después del cual, el juez, una vez que considere el informe precondenatorio, me impondrá el castigo. Entiendo que si me declaro CULPABLE, el juez puede imponerme el mismo castigo legal que podría imponerme si me hubiera declarado "no culpable", hubiera ido a juicio y hubiera sido culpado por un jurado.

22. My lawyer has also explained to me, and I understand, that if I plead GUILTY, I WAIVE MY RIGHT NOT TO INCRIMINATE MYSELF. I understand that the judge will ask me what I did and I will have to acknowledge my guilt as charged by setting forth my actions so that the judge is satisfied that I am, indeed, guilty. I understand that any statements I make at

I understand that if I plead GUILTY to Count(s) 1 and 2 of the [COMPLAINT] [INDICTMENT] (INFORMATION), I face a maximum sentence on those Count(s) of 40 years imprisonment, plus an aggregate fine of \$ \_\_\_\_\_. My lawyer has additionally explained to me, and I understand, that, in addition to or in lieu of the penalties already discussed, I may be ordered to make restitution to any victim of the offense and that the Court may require me to make a restitution in services instead of money or to make restitution to a designated third person or organization instead of the victim. I understand that in determining whether to order restitution and the amount of restitution the Court will consider the amount of the loss sustained by any victim as a result of the offense, my financial resources, the financial needs and earning ability of my dependents, and any other factors as the Court deems appropriate.

Entiendo que si me declaro CULPABLE del (de los) Cargo(s) de [la DENUNCIA PENAL] [la ACUSACIÓN DEL GRAN JURADO] [la ACUSACIÓN DE LA FISCALÍA] le hago frente a una condena máxima por esos cargos de 40 años de pena a prisión, más una multa total de \$ \_\_\_\_\_. Mi abogado también me ha explicado, y yo entiendo, que además de las penalidades ya mencionadas, o en lugar de ellas, se me puede ordenar que haga restitución a cualquier víctima del delito, y que el tribunal puede requerir que la restitución sea en forma de servicios en vez de dinero o que la restitución se le haga a una tercera persona u organización designada en lugar de a la víctima. Entiendo que al determinar si ordenará restitución y la cantidad de la restitución, el juez considerará la cantidad de la pérdida sufrida por cualquiera de las víctimas como resultado de la infracción, mis recursos económicos, las necesidades financieras y la capacidad de ganar dinero de las personas a mi cargo, y cualquier otro tipo de factores que el tribunal considere apropiado.

I understand that I will be assessed \$100 for each felony upon which I am sentenced and \$25 for each misdemeanor, if any.

Entiendo que se me impondrá una contribución obligatoria de \$100 por cada delito grave por el cual sea sentenciado(a) y de \$25 por cada delito menor, si lo hubiera.

24. I hereby declare that no officer or agent of any branch of government, (Federal, State or local), nor my lawyer, nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead GUILTY. My lawyer has explained, and I understand, that only the judge may decide what punishment I shall receive, and that if any person has told me otherwise, that person is not telling me the truth.

Por este medio declaro que ningún funcionario ni agente de ninguna dependencia del gobierno (federal, estatal ni municipal), ni mi abogado, ni ninguna otra persona, me ha hecho ninguna promesa ni sugerencia de ninguna clase, ni que yo sepa, a ninguna otra persona, de que recibiré una condena más leve, o libertad condicional a prueba [probatoria], o cualquier otra forma de clemencia si me declaro CULPABLE. Mi abogado me ha explicado, y yo entiendo, que únicamente el juez puede decidir el castigo que recibiré, y que si cualquier persona me ha dicho algo diferente, esa persona no me está diciendo la verdad.

25. I understand that the sentence to be imposed upon me is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act of 1984.

Entiendo que la sentencia que se ha de imponer cae dentro del poder discrecional único del juez sentenciador, sujeto a las disposiciones de la Ley de Reforma de las Sentencias de 1984.

may result in an additional term of imprisonment. I understand that I am subject to a term of supervised release of up to 8 years, the statutory maximum period of supervised release for the crime(s) to which I am pleading guilty.

Entiendo, además, que el juez [ME IMPONDRA] [ME PODRÍA IMPONER] un término de libertad supervisada que seguirá a cualquier término de prisión impuesto, y que cualquier incumplimiento de ese término de libertad supervisada puede tener como resultado la imposición de un período adicional de encarcelamiento. Entiendo que estoy sujeto a un término de libertad supervisada de hasta 8 años, que es el periodo máximo legal de libertad supervisada por el delito del cual (los delitos de los cuales) me estoy declarando culpable.

I further understand that the provisions of 21 U.S.C. § 841, which provide for a  
Entiendo, además, que las disposiciones de que disponen un término

mandatory minimum term of supervised release of 4-8 years. [DO] [DO NOT] apply to  
minimo de libertad supervisada de 4-8 años [CORRESPONDEN] [NO CORRESPONDEN]

my case.  
en mi causa.

33. I understand that I will have no right to withdraw my plea on the grounds that anyone's prediction as to the Guidelines range or expectation of sentence proves inaccurate.

Entiendo que no tendré derecho a retirar mi declaración de culpabilidad sobre la base de que la predicción hecha por cualquier persona con respecto al intervalo según las Pautas o la condena esperada resulte ser inexacta.

34. My lawyer has explained to me, and I understand, that if I am not a citizen of the United States, my plea of GUILTY to the charged offense(s) [MAY] [WILL LIKELY] result in my being subject to separate immigration law proceedings to have me removed from the United States by making me deportable, excludable, or inadmissible, or ending my naturalization.

Mi abogado me ha explicado, y yo entiendo, que si no soy ciudadano de los Estados Unidos, mi declaración de CULPABILIDAD al (a los) delito(s) imputado(s) [PUEDE QUE] [PROBABLEMENTE] cause que esté sujeto a procedimientos aparte según las leyes de inmigración para ser desterrado de los Estados Unidos por reunir las condiciones para mi deportación, exclusión, o inadmisión, o para dar por terminada mi naturalización

35. My lawyer has explained to me, and I understand, that if the charged offense(s) is a sex offense under 42 U.S.C. § 16911(5), my plea of GUILTY [MAY] [WILL LIKELY] result in a requirement that I register as a sex offender under Federal and State law, and I will be subject to the registration law's requirements and penalties.

Mi abogado me ha explicado, y yo entiendo, que si alguno de los delitos que se me imputan es un delito de naturaleza sexual según tales se definen en 42 U.S.C. §16911(5), mi declaración de CULPABILIDAD [PUEDE QUE] [PROBABLEMENTE] cause que esté sujeto al requisito de inscribirme como persona culpada de abuso sexual según lo dispuesto por ley federal y estatal, y estaré sujeto a los requisitos y penalidades marcados por la ley.

#### PLEA AGREEMENT



government has waived the right to argue for a sentence above the range that results from this offense level.

Entiendo que en mi convenio para la declaración de culpabilidad se expone un cálculo según las Pautas, y estoy de acuerdo que es el nivel de delito total de las Pautas que me corresponde en esta causa. Entiendo asimismo que he renunciado al derecho a alegar que el juez sentenciador debe imponer una pena por debajo del intervalo de meses que resulta a ese nivel de delito, y que el gobierno ha renunciado a su derecho a alegar que la pena sea por encima del intervalo a ese nivel de delito.

- ☐ I understand that my plea agreement sets forth a Guidelines calculation which I agree is the total Guidelines offense level applicable to me in this case. I further understand that with the exception of arguments regarding a departure as set forth in Paragraph \_\_\_\_ of Schedule A to the plea agreement, I have waived the right to argue that the sentencing judge should impose a sentence below the range that results from this offense level, and the government has waived the right to argue for a sentence above the range that results from this offense level.

Entiendo que mi convenio para la declaración de culpabilidad expone un cálculo según las Pautas, y estoy de acuerdo que es el nivel de delito total de las Pautas que me corresponde en esta causa. Entiendo, además, que salvo por los argumentos relacionados a una desviación expuesta en el Párrafo \_\_\_\_ del Anexo A al convenio para mi declaración de culpabilidad, he renunciado al derecho a alegar que el juez sentenciador debe imponer una pena por debajo del intervalo de meses que resulta a ese nivel de delito, y que el gobierno ha renunciado a su derecho a alegar que la pena sea por encima del intervalo a ese nivel de delito.

- ☒ The plea agreement contains stipulations regarding certain facts. I understand that if the sentencing court accepts a factual stipulation set forth in the plea agreement, both I and the government have waived the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

El convenio para mi declaración de culpabilidad contiene acuerdos probatorios (estipulaciones) que se relacionan con ciertos hechos. Entiendo que si el juez sentenciador acepta una estipulación de hecho expresada en el convenio, tanto el gobierno como yo habremos renunciado al derecho a interponer una apelación, impugnación colateral, auto, o pedimento (moción), afirmando que el juez sentenciador cometió un error al hacerlo así.

40. I understand that my plea agreement [PROVIDES] [DOES NOT PROVIDE] that under certain circumstances I have waived my right to appeal or collaterally attack the sentence imposed in this case.

Entiendo que, de conformidad con ciertas circunstancias, mi convenio para la declaración de culpabilidad [DISPONE] [NO DISPONE] una renuncia de parte mía a mi derecho a interponer un recurso de apelación de la pena que se me imponga en esta causa, o a una impugnación colateral de la misma.

41. My lawyer has explained to me, and I understand, that if the judge accepts my GUILTY plea under the plea agreement, including the government's proposal to dismiss charges or to not bring other charges, the judge is not bound to follow the other terms in the plea agreement, including the stipulations recommending that a particular sentence or sentencing range is appropriate or that a particular provision of the Guidelines does or does

47. The following person(s), if any, assisted me in completing this application:  
Las siguientes personas me ayudaron a completar esta solicitud:

Gregory Pagano, Henry George

I hereby certify that the foregoing information and statements herein are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Por este medio certifico que la información precedente y las declaraciones contenidas en esta solicitud son ciertas. Me doy cuenta de que si alguna de las declaraciones precedentes hechas por mí fuera voluntariamente falsa, estoy sujeto(a) a castigo.

Signed by me in open court in the presence of my lawyer this  
Firmado de mi puño y letra en sesión pública, en presencia de mi abogado(a), en esta fecha:

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(día) (mes) (año)

Josue Pichem  
Defendant  
Acusado(a)

**CERTIFICATION OF COUNSEL  
CERTIFICACIÓN DEL ABOGADO**

- 7 I have explained to the defendant that in imposing sentence, the sentencing judge is required to consider the Sentencing Guidelines, and I have further explained how the Guidelines might apply to this offense and to the defendant. I have further explained to the defendant that the Guidelines are advisory, not mandatory, and that the sentencing judge may impose a sentence higher or lower than that recommended by the Guidelines.

(SI SE TRATA DE UNA CAUSA DONDE CORRESPONDEN LAS PAUTAS) Le he explicado al acusado que al imponer la sentencia se requiere que el juez sentenciador considere las Pautas Federales de Sentencias, y le he explicado el modo en que las Pautas podrían corresponder a este delito y al [a la] acusado[a]. También le he explicado al [a la] acusado[a] que las Pautas son consultivas, no obligatorias, y que el juez sentenciador puede imponer una condena más alta o más baja que la recomendada por las Pautas.

8. The plea of GUILTY offered by the defendant in Paragraph 43 accords with my understanding of the facts related to me, and is consistent with my advice to the defendant.

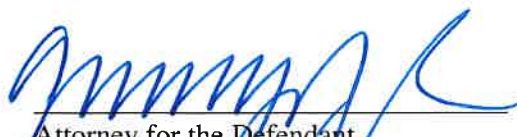
La DECLARACIÓN DE CULPABILIDAD ofrecida por el [la] acusado[a] en el Párrafo 43 concuerda con lo que tengo entendido sobre los hechos que se me han relatado y es compatible con el consejo que le he dado al (a la) acusado(a).

9. In my opinion the plea of GUILTY as offered by the defendant in Paragraph 41 of this Application is voluntarily made with understanding of the consequences of the plea. I recommend that the Court accept the plea of GUILTY.

En mi opinión, la DECLARACIÓN DE CULPABILIDAD del modo en que el [la] acusado[a] la ofrece en el Párrafo 43 de esta solicitud la hace voluntariamente y con pleno conocimiento de las consecuencias de dicha declaración. Recomiendo que el tribunal acepte la DECLARACIÓN DE CULPABILIDAD.

Signed by me in open court, in the presence of the defendant above named, and after full disclosure of the contents of this Certification to the defendant, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Firmado por mí en sesión pública en presencia del (de la) acusado(a) nombrado(a) arriba, después de haberle revelado completamente el contenido de esta Certificación al (a la) acusado(a) en la fecha indicada arriba.

  
\_\_\_\_\_  
Attorney for the Defendant  
Abogado(a) del (de la) Acusado(a)

[This translation was done by Sara Garcia-Rangel, Certified Spanish Interpreter, U.S. District Court of New Jersey, in consultation with other federally certified interpreters. It is provided to assist Spanish-speaking defendants and their counsels when preparing for the Entry of a Guilty Plea in accordance with Rule 11 of the Federal Rules of Criminal Procedure- Revision of August, 2010]



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Mag./Crim. No. 19-MJ-2018

v.

APPLICATION FOR PERMISSION  
TO ENTER PLEA OF GUILTY

(Defendant with Counsel)

Josue Pichardo aka Josue Pichardo  
aka Rito Abreu aka Rodolfo Abreu  
(Defendant's Name)

Josue Pichardo, hereby certifies as follows:  
(Defendant's Name)

1. My full name is Josue Pichardo and I request that all proceedings against me be held in that name.
2. I understand that the Constitution and laws of the United States guarantee me the right to be represented by a lawyer at every stage in these proceedings, including any trial on these charges, and that if I cannot afford to hire a lawyer, the Court will provide one for me.
3. I have a lawyer who is representing me in this proceeding. My lawyer's name is Gregory Paganò. I am satisfied that I have had enough time to discuss this matter with my lawyer.
4. English [IS] [IS NOT] my native language. My formal education stopped after [grade] \_\_\_\_\_. I am presently [UNEMPLOYED] [EMPLOYED] as a \_\_\_\_\_ (occupation).
5. I have taken [NO] [THE FOLLOWING] drugs or medication within the past seventy-two hours: \_\_\_\_\_.
6. I [HAVE] [HAVE NEVER] been a patient in a mental hospital or institution. I [DO] [DO NOT] believe that at the present time I am mentally ill or mentally incompetent in any respect.
7. I received a copy of the [COMPLAINT] [INDICTMENT] [INFORMATION] before being called upon to plead. I have read and discussed it with my lawyer. I understand that the substance of the charge(s) against me is that I: Possessed with the intent to distribute 100g or more of Heroin

[add separate sheets if necessary]

I would not have to prove that I am innocent, and that I could not be convicted unless all twelve jurors voted unanimously for conviction.

19. My lawyer has explained to me, and I understand, that if I went to trial on these charge(s), the Government would have to produce in open court the witnesses against me, and that my lawyer could confront and cross-examine them and object to evidence offered by the Government.
20. My lawyer has further explained to me, and I understand, that I have the right to produce witnesses and could offer evidence in my defense at a trial on these charge(s), and that I would have the right, if I so chose, to testify on my own behalf at that trial; but if I chose not to testify, the jury could draw no suggestion or inference of guilt from that fact.
21. My lawyer has explained to me, and I understand, that if I plead GUILTY to any charge(s) in this [COMPLAINT] [INDICTMENT] [INFORMATION] and the judge accepts my plea, I WAIVE MY RIGHT TO TRIAL AND THE OTHER RIGHTS SET FORTH IN PARAGRAPHS 17, 18, 19 and 20 ABOVE. I am aware and understand that if my GUILTY plea is accepted, there will be no trial and a judgment of GUILTY will be entered after which, the judge, upon consideration of my presentence report, will impose punishment upon me. I understand that if I plead GUILTY, the judge may impose the same punishment as if I had pleaded "not guilty", went to trial and was convicted by a jury.
22. My lawyer has also explained to me, and I understand, that if I plead GUILTY, I WAIVE MY RIGHT NOT TO INCRIMINATE MYSELF. I understand that the judge will ask me what I did and I will have to acknowledge my guilt as charged by setting forth my actions so that the judge is satisfied that I am, indeed, guilty. I understand that any statements I make at the time I plead GUILTY, if untrue and made under oath, can be the basis of a perjury prosecution against me.

#### SENTENCING ISSUES

23. My lawyer has informed me, and I understand, that the maximum punishment which the law provides for the offense(s) charged in this [COMPLAINT] [INDICTMENT] [INFORMATION] is:

A MAXIMUM OF 40 years imprisonment and a fine of \$ 5,000.00 for the offense(s) charged in Count(s) 1 and 2. My lawyer has further explained, and I understand, that there is [NO] [A] mandatory minimum punishment of 5 years imprisonment and [NO] [A] mandatory minimum fine of \$ \_\_\_\_\_ for the offense(s) charged in Count(s) \_\_\_\_\_.

I understand that if I plead GUILTY to Count(s) 1 and 2 of the [COMPLAINT] [INDICTMENT] [INFORMATION], I face a maximum sentence on those Count(s) of 40 years imprisonment, plus an aggregate fine of \$ \_\_\_\_\_. My lawyer has additionally explained, and I understand, that in addition to or in lieu of the penalties already discussed, I may be ordered to make restitution to any victim of the offense and that the Court may require me to make a restitution in services instead of money or to make restitution to a designated third person or organization instead of the victim. I understand that in determining whether to order restitution

I further understand that the provisions of 21 U.S.C. § 841, which provide for a mandatory minimum term of supervised release of 4-8 years, (DO) [DO NOT] apply to my case.

33. I understand that I will have no right to withdraw my plea on the grounds that anyone's prediction as to the Guidelines range or expectation of sentence proves inaccurate.
34. My lawyer has explained to me, and I understand, that if I am not a citizen of the United States, my plea of GUILTY to the charged offense(s) [MAY] (WILL LIKELY) result in my being subject to separate immigration law proceedings to have me removed from the United States by making me deportable, excludable, or inadmissible, or ending my naturalization.
35. My lawyer has explained to me, and I understand, that if the charged offense(s) is a sex offense under 42 U.S.C. § 16911(5), my plea of GUILTY [MAY] (WILL LIKELY) result in a requirement that I register as a sex offender under Federal and State law, and I will be subject to the registration law's requirements and penalties.

#### PLEA AGREEMENT

36. I hereby declare that I have not been forced, coerced or threatened in any manner by any person to plead GUILTY to these charge(s). Nor have I been told that if I refuse to plead GUILTY, other persons will be prosecuted.

37. There (HAS) [HAS NOT] been a plea agreement entered into between me and the United States Attorney, by Assistant United States Attorney Alisa Silver (name).

[ ] The plea agreement DOES NOT exist in written form.

[☒] The plea agreement DOES exist in written form. I have read it or have had it read to me in SPANISH (LANGUAGE). My lawyer has explained it to me and I understand it.

38. The substance of the plea agreement is: Guilty Plea to drug distribution and the government will not file an 851 Notice

39. The plea agreement [DOES][DOES NOT] contain stipulations agreed to by the parties.

IF APPLICABLE, CHOOSE ONE OF THE FOLLOWING:

- [ ] I understand that my plea agreement sets forth a Guidelines calculation which I agree is the total Guidelines offense level applicable to me in this case. I further understand that I have waived the right to argue that the sentencing judge should impose a sentence below the range that results from this offense level, and that the government has waived the right to argue for a sentence above the range that results from this offense level.

46. The following person(s), if any, assisted me in completing this application: Gregory Pagano, Henry George.

I hereby certify that the foregoing information and statements herein are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed by me in open court in the presence of my lawyer this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Josee Richards  
Defendant